

CHAPTER NO. 929

SENATE BILL NO. 1747

By Fowler

Substituted for: House Bill No. 1751

By McAfee, Stulce, Brenda Turner, Raymond Walker

AN ACT To amend Tennessee Code Annotated, Title 68, relative to certificates of need for home health agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-202, is amended by adding the following as a new subsection to be appropriately designated:

() This subsection shall establish the criteria for the creation of branch offices by a home care organization operating pursuant to its certificate of need authority or pursuant to its license as of the effective date of this act. Nothing in this subsection shall permit a home care organization to expand its authority beyond the limitations of its certificate of need or its license as of the effective date of this act. Notwithstanding the provisions of this section to the contrary, the offices of a home care organization providing home health care services shall be classified as either a parent office of the home care organization or as a branch office of the home care organization. In determining whether the office of a home care organization providing home health care services is either a parent home care organization or a branch office, the board shall apply the following criteria:

(1) A parent office shall develop and maintain administrative controls of the branch office and house the administrative functions of the home care organization. The parent office shall be ultimately responsible for human resource activities and all financial and contractual agreements for the home care organization, including both parent and branch offices.

(2) The administrator and director of nursing for the home care organization shall be primarily located in the parent office. The home care organization administrator and director of nursing shall make on-site supervisory visits to each branch office at least quarterly.

(3) A branch office is an office that provides services within the geographical area for which the home care organization is licensed. A branch office must be sufficiently close to share administrative services with the parent office. A branch office shall be deemed to be sufficiently close if it is within one hundred (100) miles of the parent office; provided, however, the remaining criteria set forth in this subsection are also applicable. A branch office that is greater than one hundred (100) miles from a parent office may be considered a branch office by the board if it otherwise meets the criteria set forth in the subsection.

(4) The parent office of a home care organization shall have a clearly defined process to ensure that effective interchange occurs between the parent and branch regarding various functions including

branch staffing requirements, branch office patient census, total visits provided by the branch, complaints, incident reports and referrals.

(5) The branch office of a home care organization shall maintain the same name and standards of practice as the parent office of the home care organization, including forms, policies, procedures and service delivery standards. The parent office of home care organizations shall maintain documentation of integration between the parent office and its branch offices.

(6) The parent office of a home care organization shall maintain regular administrative contact with its branch offices at least weekly. Documentation of this contact shall be maintained by the parent office. The parent office shall receive weekly written staffing reports from its branch offices including, without limitation, information regarding staffing needs, staffing patterns and staff productivity.

(7) A branch office of a home care organization existing as of the effective date of this act, which is more than one hundred (100) miles from the parent office of such home care organization and which has been previously approved as a branch office by the board, may continue to be classified as a branch office if it otherwise meets the criteria set forth in this subsection.

SECTION 2. Tennessee Code Annotated, Section 68-11-1001(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(b)(1) The names and information contained in this registry shall be available for public inspection.

SECTION 3. Tennessee Code Annotated, Section 68-11-1001, is amended by deleting subdivision (b)(2) in its entirety.


SECTION 4. Tennessee Code Annotated, Section 68-11-1003, is deleted in its entirety.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 27, 1998


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of May 1998


DON S. QUIST, GOVERNOR